

REQUEST FOR EXTENSION OF TIME TO FILE ANSWER

To: Hon. Judge Colleen McMahon, via FAX (212) 805-6326  
From: Jonathan Earp, Independent Online Distribution Alliance, Inc., [jon@iodalliance.com](mailto:jon@iodalliance.com) 415.375.3105  
Re: Request for Extension of Time to File Answer  
Case Name: David Burrill v. Percy Miller aka Master P; Percy Romeo Miller, Jr aka Romeo, Take a Stand Records, Urban Digital Records, GoDigital Records, Independent Online Distribution Alliance, Inc; and Wal-Mart Stores, Inc.  
Case #: 08 CIV 6802  
Date: Friday August 29, 2008  
Number of Previous Requests: 0

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Dear Judge McMahon,

I am in-house counsel with Independent Online Distribution Alliance, Inc. ("IODA"), a California-based corporation. IODA is a named defendant in the above referenced copyright and trademark matter.

IODA was served with the Complaint on August 13, 2008. IODA's answer would therefore be due September 2, 2008.

Percy Miller, Take a Stand Records, Go Digital Records, Urban Digital Records, and IODA form a digital music supply chain. IODA has a direct contract with, and is indemnified by, Urban Digital Records, with whom we have been in communication. Urban Digital has agreed to fully comply with its indemnification obligations to us as provided in our contract, which includes *inter alia* the right to control the defense and all settlement negotiations. Urban Digital is also a named defendant, but has not been served. However based on our communications with them they are admirably working with their indemnitors down the supply chain to consolidate the defense of all defendants in this matter with the exception of Wal-Mart, which is not part of the aforementioned digital music supply chain. IODA does not have standing New York counsel; in fact, IODA has never been a defendant in any lawsuit in its 5-year history. Further, IODA is of the belief that Urban Digital, GoDigital, Take a Stand, Percy Miller and Percy Romeo Miller, Jr do not have standing New York counsel. IODA through the efforts of its indemnitors, has been seeking referrals to, and interviewing New York counsel, but one has not yet been retained and more time is required to do so. We hope you agree this is an important process.

Urban Digital has been in contact with Greg Brown, attorney for the plaintiff in the law offices of Bruce Levinson. From that discussion, IODA is informed that Mr. Brown orally agreed to an extension of time to file if the parties negotiate in good faith with him to settle the case. Further, we have been told by our indemnitors that said indemnitors fully intend to pursue settlement in this case.

Therefore, based on our efforts to consolidate the defense for the sake of efficiency and economy, the difficulty of finding and interviewing counsel across the country, and our efforts to mediate with plaintiff, we humbly ask the court to extend our deadline to answer.

We request as much time as the court in its discretion is willing to provide, especially given the fact that to my knowledge Percy Miller, Percy Romeo Miller, Take A Stand Records, Urban Digital Records, and Go Digital Records have not yet been served.

Very truly yours,

  
Jonathan Earp  
VP Legal & Business Affairs, IODA

9/2/08  
Dustin  
It's needed -  
30 days

MEMO ENDORSED